

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION

RIDGELAND RESTAURANT ASSOCIATION, INC.

PLAINTIFF

VS.

CASE NUMBER: 3:07cv 417 HTW-LRA

CITY OF RIDGELAND, MISSISSIPPI

DEFENDANT

**ANSWER OF THE CITY OF RIDGELAND, MISSISSIPPI TO
FIRST AMENDED COMPLAINT**

Comes now the City of Ridgeland, Mississippi, and files this, its answer and defenses in this cause and would show the following, to-wit:

1. First Defense

The complaint fails to state a cause upon which relief may be granted.

2. Second Defense

The plaintiff lacks standing to raise the matters set forth in its complaint.

3. Third Defense

Answer

1. The defendant admits the allegations of paragraph 1 of the Complaint.
2. The defendant admits the allegations of paragraph 2 of the Complaint.
3. The defendant admits that it enacted and ordinance on June 19, 2007 known as the City of Ridgeland, Mississippi Smoking Ban Ordinance. The City of Ridgeland denies that portions of the Ordinance violate the due process rights of any members of the Plaintiff under the Fourteenth Amendment of the United States Constitution. Further, Defendant denies that Plaintiff is due injunctive or declaratory relief.

4. The City of Ridgeland admits the allegations of paragraph 4 of the Complaint.

5. The City of Ridgeland denies the allegations of paragraph 5 of the Complaint. Affirmatively the City of Ridgeland would show that its ordinance is designed to protect the public from the dangers of secondhand smoke in certain public places and was lawfully enacted in furtherance of said legitimate governmental purpose. Further the City of Ridgeland would show that the clientele of Plaintiff's members do not have the right to smoke tobacco in public places in a manner which subjects others to the health risks associated with second hand smoke.

6. The City of Ridgeland denies that the Plaintiff is entitled to any relief whatsoever.

WHEREFORE, PREMISES CONSIDERED, defendant requests that suit be dismissed at the cost of Plaintiff.

Respectfully submitted this the 14th day of September, 2007.

CITY OF RIDGELAND, MISSISSIPPI

BY: /s/ Jerry L. Mills
Jerry L. Mills

Of Counsel:

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CERTIFICATE OF SERVICE

I, the undersigned attorney for the City of Ridgeland, Mississippi do hereby certify that I have this day delivered by United States Mail, postage prepaid. a true and correct copy of the foregoing Answer to:

William P. Featherston, Esq.
357 Town Center, Ste. 203
Ridgeland, Mississippi 39157

This the 14th day of September, 2007.

/s/ Jerry L. Mills
Jerry L. Mills